IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 15742 of 2006(Y)

PETITIONER:

M/S. RELIANCE INFOCOMM LTD., A AND P
ARCADE, SAHODARAN AYYAPPAN ROAD,
KADAVANTHARA, REPRESENTED BY ITS
CIRCLE MANAGER (LEGL) ANAD AUTHORISED
SIGNATORY V.K. SAJITH.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. THE SPECIAL GRADE SECRETARY,
DHARMADAM GRAMA PANCHAYAT,
THALASSERY, KANNUR DISTRICT.

2. THE DHARMADAM PANCHAYAT, DHARMADOM
THALASSERY, REPRESENTED BY ITS
SPECIAL GRADE SECRETARY.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO..15742/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LICENCE AGREEMENT FOR BASIC TELEPHONE SERVICE IN KERALA SERVICE AREA DATED 20.7.2001

EXT.P2: COPY OF THE LEASE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND ONE MULIYIL SUKUMANRA, DATED 28.10.2005

EXT.P3: COPY OF THE LETTER ISSUED BY THE PANCHAYAT DATED 31.12.2005 NO. A1/400/2005.

EXT.P4: COPY OF BOOK – LET REGARDING THE MOBILE TOWER.

EXT.P5: COPY OF THE COMMUNICATION ISSUED BY THE REGIONAL CNACER CENTRE, TRIVANDRUM.

EXT.P6: COPY OF THE LETTER NO.CH/AERB/RSD/2004/TOP OF THE ATOMIC ENERGY REGULATORY BOARD DATED 6.9.2004

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 15742/2006 of 2006

Dated this 19th day of December, 2006

JUDGMENT

Even though a detailed counter affidavit has been filed by the Panchayat, in view of the principles laid down by the Division Bench of this court in **Reliance Infocomm v. Chemancherry Grama Panchayat (2006 (4) ILR 357),** Ext.P3 order cannot be sustained.

2. I quash Ext.P6 and direct the 2nd respondent Panchayat to consider the petitioner's application for permit to construct a Base Transceiver Station in R.S. No.12/1 de horse the mass complaint on the basis of which Ext.P3 has been issued. The conditions to be imposed by the Panchayat while granting permission on the petitioner's application shall be only those conditions which are envisaged by the Panchayat Raj Act and the Rules therein. Fresh decision as directed above will be taken by the Panchayat at the earliest and at any rate within

three weeks of the Panchayat receiving a copy of this judgment.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk